

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:20-00130

CHRISTOPHER RYAN CHRISTIAN COUNTS

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant's motion to continue. (ECF No. 31). In support of defendant's motion, counsel for the defendant states that he needs additional time to complete his investigation of the computer-related evidence prior to filing any pretrial motions. The government does not object to the motion to continue.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. §3161(h)(7)(B) and found that failure to grant the continuance would deny counsel for the defendant the reasonable time necessary to effectively prepare for trial, taking into account the exercise of due diligence.

Accordingly, the court hereby **ORDERS** as follows:

1. Trial of this action is continued until December 15, 2020, at 9:30 a.m., in Charleston. Proposed jury

instructions should be filed no later than December 8, 2020;

2. All pretrial motions are to be filed by November 23, 2020;

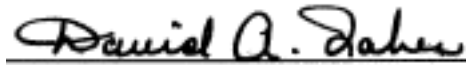
3. A pretrial motions hearing is scheduled for November 30, 2020, at 4:00 p.m., in Charleston;

4. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of defendant's motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Order to counsel of record, the United States Marshal for the Southern District of West Virginia and the Probation Office of this court.

IT IS SO ORDERED this 14th day of September, 2020.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge